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GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF CORRECTIONS
LANSING

DANIEL H. HEYNS
DIRECTOR

DIRECTOR'S OFFICE MEMORANDUM 2011 - 25

EFFECTIVE: Immediately

DATE: October 13, 2011

TO: Executive Policy Team
Administrative Management Team
Wardens

FROM: Randall W. Treacher, Acting Director

SUBJECT: Release of Pre-Sentence Investigation Reports

MCL 791.229 provides for the confidentiality of pre-sentence investigation reports except as otherwise provided by law. The statute authorizes the Department to release pre-sentence investigation reports to the attorney general, the auditor general, and law enforcement agencies. Additionally, MCL 771.14 provides that the court shall permit the prosecutor, the defendant's attorney, and the defendant to review the pre-sentence investigation report before sentencing.

The Department cannot otherwise release a pre-sentence investigation report absent a court order even under the Freedom of Information Act (FOIA), 1976 PA 442, MCL 15.231 *et seq.* or with a release. Requests under FOIA for pre-sentence investigation reports must be denied under Section 13(1)(d) of the Act, citing MCL 791.229 as authority for exemption (d).

Since MCL 791.229 allows for release of pre-sentence investigation reports as provided by law, a prisoner under the jurisdiction of the Department of Corrections shall be provided with a copy of any pre-sentence investigation report in the Department's possession about that prisoner, except for information exempted from disclosure under subsection (3), not less than 30 days before a parole interview is conducted under section 35 of the corrections code of 1953, 1953 PA 232, MCL 791.235. Copies of the pre-sentence investigation report may continue to be provided to prisoners if it is helpful in responding to a grievance or correspondence from a prisoner.

This Director's Office Memorandum will be incorporated into PD 01.06.110 "Freedom of Information Act - Access to Department Public Records" and PD 06.01.140 "Pre-Sentence Investigation and Report" when they are next revised.

RWT/OLA